MONTANA LEGISLATIVE HISTORY

Chapter 43 1975

Bill H _____ S 82 Original bill & history ____C

| H. Committee on Labor & Employment | | S. Committee on Labor & Employment | |
|---|---|---|---|
| Hearing Date(s) Mar 05 | ✓C | Hearing Date(s) Jan 20 | ✓C |
| _____ | ____C | _____ | ____C |
| _____ | ____C | _____ | ____C |
| _____ | ____C | _____ | ____C |
| Date Out _____ | ____C | | |

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Senate BILL NO. 92

INTRODUCED BY Norman Wallbaker

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 92-706.1, R.C.M. 1947, RELATING TO MEDICAL BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT, BY ADDING A PROVISION REQUIRING THE EMPLOYER OR INSURER TO REPAIR OR REPLACE DAMAGED OR LOST EYEGLASSES AND DENTURES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 92-706.1, R.C.M. 1947, is amended to read as follows:

"92-706.1. Medical and hospital services approved by the division are furnished. (1) In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

(a) During the first thirty-six (36) months after the happening of the injury, the employer or insurer shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment as may be approved by the division for the injuries sustained. The division, upon application of the injured workman may, for good cause, grant reasonable extensions of the benefits provided in this section.





(b) The employer or insurer shall replace or repair eye glasses and dentures that are damaged or lost as a result of an injury, as defined in section 92-418, arising out of and in the course of employment.

(2) All hospitals must submit to the division of workmen's compensation, a schedule of fees and charges for treatment of injured workmen to be in effect for at least a twelve (12) month period unless the division and the hospital agree to interim amendments of the schedule. The schedule must be submitted at least thirty (30) days prior to its effective date and shall not exceed the charges prevailing in the hospital for similar treatment of private patients."

-End-



SB 92

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

January 20, 1975

The third meeting of the Labor and Employment relations committee was called to order by Chairman Lee on the above date in room 402 of the State Capitol Building at 9:30 a.m.

ROLL CALL: Seven members were present with Senator Etchart excused.

CONSIDERATION OF SENATE BILL NO. 82: Senator Norman, author of SB 82 appeared before the committee in support of his bill. This is a simple Workmen's Compensation bill regarding the replacement or repair of dentures and eye glasses if damaged or lost in the course of his duty. This is already done in part, but it is not stated in the law. They could only be repaired or replaced if they were damaged or lost on the job with some witness.

Ernest Post, of the Montana State AFL-CIO, appeared in support of this bill. He agreed with Senator Norman that there was a need for this to appear in the law. At that point Mr. Post submitted an amendment to the committee, a copy of which is attached.

Norman Grosfield, from the Division of Workmen's Compensation, appeared before the committee in support of this bill. He stated that this bill would clear up some technical problems concerning the insurers responsiblities. At that point Mr. Grosfield stated that there were no accurate figures as to how many people would be affected by this bill. Mr. Grosfield pointed out that several states are going to such a provision regarding the replacement of eye glasses and hearing aids.

The committee then held discussion on the bill.

CONSIDERATION OF SENATE BILL NO. 50: Senator Turnage, author of SB 50 appeared before the committee in support of his bill. This bill is exactly the same bill introduced in 1973, SB 555. SB 50 opens the records of the Workmen's Compensation Division to public inspection. At this point Senator Turnage stated that if we had this bill on the books over the years it would have prevented many abuses concerning

guarantees that information of personal nature must be thoroughly reviewed in each individual case to see if public disclosure is needed. Dr. McMahon then asked that HB 50 be detained until HB 38 be heard.

Norman Grosfield, of the Divison of Workmen's Compensation, appeared in opposition to SB 50. He stated a specific history of this problem that involved the Gazette Printing Company. At this point he then stated that in certain Workmen's Compensation cases they send men and women to rehabilitation centers and that while in these centers certain tests, such as psychological tests are administered. Mr. Grosfield believes that the results of these tests should not be open to public inspection.

After Senator Turnage gave his closing remarks, the committee directed questions to the witnesses. Senator Lee then stated that no action would be taken on SB 50 until HB 38 was heard.

DISPOSTION OF SENATE BILL NO. 82: Senator Olson moved to amend section 1, subsection (1)(b), line 1 by inserting after the word "repair" the word "prescription" and following the word "glasses" inserting the words ",prescription hearing aids,". Senator Smith then made a substitute motion to amend section 1, subsection (1)(b), line 1 by inserting after the word "repair" the word "prescription" and following the word "glasses" inserting the words ",prescription contact lenses, prescription hearing aids,". Motion carried unanimously with Senator Etchart excused. Senator Olson moved that SB 82 DO PASS AS AMENDED. Motion carried unanimously with Senator Etchart excused.

ADJOURN:

There being no further business, the meeting was adjourned at 10:30 a.m.

MEMORANDUM

SENATE BILL NO. 82 RELATING TO REQUIRING AN INSURER TO REPAIR OR REPLACE DAMAGED OR LOST EYEGLASSES AND DENTURES

Under the present Workmen's Compensation Act of Montana, the cost of replacement or repair by a workmen's compensation insurer of glasses and dentures that have been damaged due to an industrial injury is not always required.

The current law allows only for the replacement of damaged eyeglasses due to an industrial injury when the injury requires a change in the type or prescription of the glasses. An insurer is not required to repair or replace glasses if the injured worker does not need a change in the type or prescription of the glasses because of the injury. Generally, an insurer must replace dentures that are damaged due to an industrial injury. Dentures are considered a prosthetic device or an extension of the body unlike a mere aid to the body such as glasses. Therefore, an insurer is required to pay for damaged dentures in the same manner as he must pay for medical services for injured teeth. However, it is not clear whether the loss of dentures due to an injury arising out of and in the course of employment is covered.

Senate Bill No. 82 would clarify an insurer's responsibility regarding the replacement and repair of lost or broken dentures and eyeglasses. The proposed bill would clarify the law on this subject and would help eliminate a myriad of technical legal questions that continuously arise regarding an insurer's responsibility in this area.

The adoption of the law would be in accordance with the present trend in the United States. Several states including California, Alaska, Connecticut, Washington, and New Jersey now have provisions for the replacement of eyeglasses or dentures that are damaged as a result of an industrial accident.

PROPOSED AMENDMENT TO SENATE BILL NO. 82

On page 2 add on line 2 after the word "glasses" the punctuation and words ", hearing aids,".

January 20, 19 75

PRESIDENT

, your committee on Labor and Employment Relations

had under consideration Senate Bill No. 32

fully report as follows: That Senate Bill No. 82
troduced bill, be amended as follows:

Amend TITLE, page 1, line 8
Following: "LOST"
Insert: "PRESCRIPTION"

Amend TITLE, page 1, line 8
Following: "EYEGLASSES"
Insert: ",PRESCRIPTION CONTACT LENSES, PRESCRIPTION HEARING AIDS,"

Amend page 2, section 1, subsection (1)(b), line 1
Following: "repair"
Insert: "prescription"

Amend page 2, section 1, subsection (1)(b), line 2
Following: "glasses"
Insert: ", prescription contact lenses, prescription hearing aids,"

X
ASS AS AMENDED

| | | |
|---|---|---|
| Senator Robert Lee, Chairman | ✓ | |
| Senator Richard Smith, Vice Chairman | ✓ | |
| Senator Chet Blaylock | ✓ | |
| Senator Mark Etchart Excused | | |
| Senator Frank Hazelbaker | ✓ | |
| Senator John Mehrens | ✓ | |
| Senator Bill Norman | ✓ | |
| Senator S. A. Olson | ✓ | |
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Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

**Motion:** Senator Smith moved to amend section 1, subsection (1)(b) line 1, by inserting after the word "repair the word "prescription" and following the word "glasses" insert the words ", prescription contact lenses, prescription hear aids,". Motion carried unanimously with Senator Etchart excused.

(include enough information on motion—put with yellow copy of committee report.)

Date 1-20-75 Senate Bill No. 82 Time

| NAME | YES | NO |
|---|---|---|
| Senator Robert Lee, Chairman | ✓ | |
| Senator Richard Smith, Vice Chairman | ✓ | |
| Senator Chet Blaylock | ✓ | |
| Senator Mark Etchart Excused | | |
| Senator Frank Hazelbaker | ✓ | |
| Senator John Mehrens | ✓ | |
| Senator Bill Norman | ✓ | |
| Senator S. A. Olson | ✓ | |
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Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Olson moved that SB 82 DO PASS AS AMENDED. Motion carried unanimously with Senator Etchart excused.

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS
HOUSE OF REPRESENTATIVES
March 5, 1975

A meeting of the Labor & Employment Relations Committee was held on Wednesday, on the above date, at 10:30 a.m. in Room 108 of the Capitol Building, with Chairman Kimble presiding. Representatives Ellerd and Ellis were excused with all other members present.

The following bills were heard in this order: SB 107
SB 82
SB 99

SB 108--SPONSOR: Richard Smith, district 8, said this would extend the time period for WCD death benefits, received by students, from age 22 to age 25. This would bring state laws in complaince with the National Commission (exhibit I). Proponent Norm Grosfield, director, WCD, said this was an advisory council bill. The state meets all the national requirements for death benefit except for regarding students as up to age 25. Ernie Post, AFL-CIO, and Jim Murry, AFL-CIO, both supported the bill.

SB 82--SPONSOR: Richard Smith, district 8, said this would mandate th insurer to replace glasses or contact lenses broken on the job. An insurer is presently required to replace demaged dentures, but not eye-ware. This would not apply to sunglasses or cosmet glasses. Proponent Ernie Post, AFL-CIO, said the bill is neede to clarify the law. The present law only provides, that if a change in prescription is needed, then they will be replaced (see exhibit II).

Babcock asked if they would be allowing a 10-cent store to sell glasses, and Post replied no, that they must be by prescription

SB 99--SPONSOR, Robert Lee, district 43, introduced Norm Grosfield, administrator, WCD, said that this was an advisory council bill requested by the legislative audit. This would raise the base salary from $500 to $900, for the computation of premiums for sole proprietors and partners. They felt this was a more realistic figure (exhibit III).

There being no further testimony, the committee went into executive hea

SB 107--JOHNSON MOVED SB 107 BE CONCURRED IN, SECONDED BY KELLY. MOTIC CARRIED UNANIMOUSLY.

SB 82--FEDERICO MOVED SB 82 BE CONCURRED IN, SECONDED BY BAETH. MOTIC CARRIED UNANIMOUSLY.

SB 99--FEDERICO MOVED SB 99 BE CONCURRED IN, SECONDED BY GUTHRIE . MOTION CARRIED UNANIMOUSLY.

There being no further testimony, the meeting was adjourned.

Exhibit II
3-5-75

MEMORANDUM
SENATE BILL NO. 82 RELATING TO REQUIRING AN INSURER TO REPAIR OR REPLACE DAMAGED OR LOST EYEGLASSES AND DENTURES

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Senate Bill No. 82 would clarify an insurer's responsibility regarding the replacement and repair of lost or broken dentures and eyeglasses. The proposed bill would clarify the law on this subject and would help eliminate a myriad of technical legal questions that continuously arise regarding an insurer's responsibility in this area.

The adoption of the law would be in accordance with the present trend in the United States. Several states including California, Alaska, Connecticut, Washington, and New Jersey now have provisions for the replacement of eyeglasses or dentures that are damaged as a result of an industrial accident.

SENATE BILL NO. 82

INTRODUCED BY NORMAN, HAZELBAKER

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 92-706.1, R.C.M. 1947, RELATING TO MEDICAL BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT, BY ADDING A PROVISION REQUIRING THE EMPLOYER OR INSURER TO REPAIR OR REPLACE DAMAGED OR LOST PRESCRIPTION EYEGLASSES, PRESCRIPTION CONTACT LENSES, PRESCRIPTION HEARING AIDS, AND DENTURES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 92-706.1, R.C.M. 1947, is amended to read as follows:

"92-706.1. Medical and hospital services approved by the division are furnished. (1) In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

(a) During the first thirty-six (36) months after the happening of the injury, the employer or insurer shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment as may be approved by the division for the injuries sustained. The division, upon application of the injured workman may, for good cause, grant reasonable extensions of the benefits provided in this section.

(b) The employer or insurer shall replace or repair PRESCRIPTION eyeglasses, PRESCRIPTION CONTACT LENSES, PRESCRIPTION HEARING AIDS, and dentures that are damaged or lost as a result of an injury, as defined in section 92-418, arising out of and in the course of employment.

(2) All hospitals must submit to the division of workmen's compensation, a schedule of fees and charges for treatment of injured workmen to be in effect for at least a twelve (12) month period unless the division and the hospital agree to interim amendments of the schedule. The schedule must be submitted at least thirty (30) days prior to its effective date and shall not exceed the charges prevailing in the hospital for similar treatment of private patients."

-End-



REFERENCE BILL